

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Porter, John

Conf. No: 4269

Serial No.: 10/731,767

Group Art Unit: 1771

Filed: December 9, 2003

Examiner: Ruddock, Ula Corinna

For: Breathable Waterproofing Tear-resistant Fabric

M.S. Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

☐ Together with the present application.

☐ Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]

☒ After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. [37 CFR §1.97(c)]. *(Either the fee or certification is provided, as set forth below).*

☐ After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. [37 CFR §1.97(d)]. *The fee and certification are provided, as set forth below).*

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

☐ No separate requirements are needed.

☐ No additional fee is required.

**Fee Under 37 CFR § 1.97(c) or 1.97(d)**

☐ The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

**Certification Under 37 CFR § 1.97(e)**

The undersigned certifies:

☒ 1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ 2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

**Provision of Copies of References**

Copies of cited references which are U.S. Patents or U.S. Patent Application Publications are not required for this application, which has a filing date after June 30, 2003 (1276 OG 55, 5 August 2003).

☐ A copy of each of the "Foreign" and "Other" references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

☐ Partial Translations of References are enclosed herewith and form a part hereof.

☐ A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

☐ A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.


**Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted**

[ X ] This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). **60/432,326**, filed **12/10/2002** (D1815-00060). Some or all of the references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: February 13, 2007

  
\_\_\_\_\_  
Gerald K. Kita  
Registration No. 24,125

**Customer No. 08933**  
DUANE MORRIS LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103-4196  
215-979-1863 tel  
215-979-1020 fax

SUBSTITUTE for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/731,767
				Filing Date	December 9, 2003
				First Named Inventor	Porter, John
				Art Unit	1771
				Examiner Name	Ruddock, Ula Corrina
Sheet	1	of	1	Attorney Docket Number	D1815-00214

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (If known)			
	A	5,491,017	02/13/1996	Todt	
	B	7,148,160	12/12/2006	Porter	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
DM2962507.1